

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F043181 People v. Burdick

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F042515 In re Julie P., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042515 In re Julie P., a Minor

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042633 In re Shemaiah G., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F042633 In re Shemaiah G., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040573 People v. Powell

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

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Fifth Appellate District

F040573 People v. Powell

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042000 People v. Goings

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 38, California Rules of Court, it is further ordered that the remittitur issue forthwith.

F040324 People v. Nieto

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F040324 People v. Nieto

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038765 Rafanan v. Aslin et al.,

The judgment is affirmed. Costs to respondents. Ardaiz, P.J.

We concur: Dibiaso, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042820 In re Kassandra W. et al, Minors

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

IN THE

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F042820 In re Kassandra W. et al., Minors

The orders terminating parental rights are reversed. On remand, the juvenile court is directed to conduct a limited proceeding for the court's or the Department's further inquiry of appellant regarding his heritage and a new notice (see 25 U.S.C. § 1912(a)) to the BIA or a particular Tribe, if its identity or location is uncovered by the further inquiry. The new notice should also include the following information, to the extent known:

The names of each child, the child's birthdate and birthplace;

The name of Indian tribe(s) in which the children may be eligible for enrollment;

All names, including maiden, married and former names or aliases, current and former addresses, birthdates, places of birth and death tribal enrollment numbers, and other identifying information of: the children's biological mother, biological father, maternal and paternal grandparents and great grandparents or Indian custodians. (See 25 C.R.F. § 23. 11, subd. (d)(1)-(3).)

Provided there is proof of proper notice (see *In re H.A.* (2002) 103 Cal.App.4th 1206, 1215), including the information described above, and the statutory time following receipt of notice has passed (see 25 U.S.C. § 1912(a)) without any indication that the children are eligible for membership in a federally-recognized Indian Tribe, the court shall then reinstate its orders terminating parental rights. Alternatively, the court should proceed according to the dictates of the ICWA.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040259 People v. Pringle

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F040259 People v. Pringle

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041070 People v. Branum

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F041610 In re Taryle C., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F039978 People v. Santiago

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F043381 In re Estate of H.V. Perry; Perry v. Perry

IT IS HEREBY ORDERED that the July 29, 2003, order dismissing the appeal is vacated. The appeal is ordered reinstated and restored to active status.